

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

ROBERT TOSCH

PLAINTIFF

v.

Case No. 05-6079

UNUM LIFE INSURANCE  
COMPANY OF AMERICA

DEFENDANT

**ORDER**

Currently before the Court is Plaintiff's Motion to Dismiss (Doc. 14). Plaintiff moves this Court to dismiss this action, without prejudice, with each party to bear its own fees and costs. Defendant filed a response (Doc. 15) objecting to Plaintiff's request for dismissal or, alternatively, asking the Court to assess costs against Plaintiff pursuant to Rule 41(d) of the Federal Rules of Civil Procedure in the event the action is re-filed at a later date.

Upon due consideration, Plaintiff's motion (Doc. 14) is GRANTED and Plaintiff's complaint is hereby DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(2). Should Plaintiff re-file his complaint, the Court will consider requiring Plaintiff to compensate Defendant for any duplicative costs and expenses incurred.

IT IS SO ORDERED this 9th day of June 2006.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge